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**JUN 04 2019**

Clerk, U.S. Courts  
District of Montana  
Missoula Division

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

**CANDI LEE LILES,**

**Plaintiff,**

**vs.**

**ERIC M. ENZ, BRIAN HEINO, JOHN  
ROE SMITH, JOHN ROE, and JOHN  
ROE,**

**Defendants.**

**CV 19-72-M-DLC-JCL**

**ORDER**

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on April 26, 2019, recommending that the Court dismiss this action for lack of jurisdiction. (Doc. 4.) Plaintiff Candi Lee Liles failed to timely object to the Findings and Recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court reviews for clear error those findings and recommendations to which no party objects. *See Thomas v. Arn*, 474 U.S. 140, 149–53 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been made.” *Wash. Mut., Inc. v. United States*, 856 F.3d 711, 721 (9th Cir. 2017) (citation omitted).

Having reviewed the Findings and Recommendation (Doc. 4), the Court

finds no clear error in Judge Lynch's recommendation to dismiss Liles's complaint. Smith has not alleged facts suggesting that any party to this litigation is a citizen of a state other than Montana, and she must show complete diversity of citizenship to proceed. (Doc. 4 at 3.) Further, the Court has reviewed Liles's amended complaint (Doc. 5), filed days after the Findings and Recommendation, and it notes that the amended complaint does not remedy the deficiency identified by Judge Lynch.

Accordingly, IT IS ORDERED that:

- (1) Judge Lynch's Findings and Recommendation (Doc. 4) is ADOPTED IN FULL;
- (2) Plaintiff Candi Lee Liles's complaint (Doc. 1) is DISMISSED for lack of jurisdiction; and
- (3) The Clerk of Court shall enter judgment for the Defendants and close this case.

DATED this 4<sup>th</sup> day of June, 2019.



Dana L. Christensen, Chief Judge  
United States District Court